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2  
3 WILLIAM M. SIMPICH  
4 1736 Franklin Street, Tenth Floor  
5 Oakland, California 94612  
6 Telephone: (510) 444-0226

7 Attorneys for Plaintiffs  
8 REV. CHARLES MAYFIELD  
9 REV. EDDIE OWENS, and  
10 REV. ALONZO EMERSON

11 IN THE UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA

13 Rev. Charles Mayfield, Rev. Eddie  
14 Owens, and Rev. Alonzo Emerson,

15 Plaintiffs,

16 v.

17 City of Oakland, Chief Wayne Tucker,  
18 Melonie Levine, Rufus Robbins, James  
19 Shum, Malvina Stephens, Lena  
20 Edmund, Doe Defendants 1-10,

21 Defendants.  
22  
23  
24

Action No. C-07-0583

EX PARTE APPLICATION AND  
(PROPOSED) ORDER TO RE-SET  
HEARING ON MOTION TO  
DISMISS AND  
CASE MANAGEMENT  
CONFERENCE

25 I, WILLIAM M. SIMPICH, declare:

26 1. I am Plaintiffs' attorney in the above-entitled action.

27 2. Defense counsel Kandis Westmore and Demetrius Shelton, who represent

Ex Parte Application to Re-Set  
Hearing on Motion to Dismiss  
and Case Management Conference

1  
2 the City of Oakland, Chief Wayne Tucker, and Melonie Levine, have agreed to  
3 continue this matter to August 15. A copy of our correspondence is attached as  
4 Exhibit 1.

5  
6 3. However, there are four pro se defendants in this matter. They have not  
7 filed any 12(b)(6) motion, but have filed a joinder with the Defendants' motion.

8 4. I sent them the letter that I sent to the court last week to their office  
9 (Exhibit 2), but it is my understanding that they are only at that office once a month.  
10 I have heard no response to them since I sent that letter, and I have no other way to  
11 contact them. I have to discuss with each of them the ADR process.

12  
13 5. Meanwhile, the court date for both the 12(b)(6) motion and the case  
14 management conference is July 11. Because of the number of pro se defendants,  
15 the lack of ways to reach them, and the need for opposing counsel to have adequate  
16 time to prepare a reply brief (as mentioned in Exhibit 2), I request the court re-set  
17 both the 12(b)(6) motion and the case management conference to August 15.

18 I declare under penalty of perjury that the foregoing is true and correct and of  
19 my own personal knowledge. Executed on July 3, 2007 in Oakland, Alameda  
20 County, California.

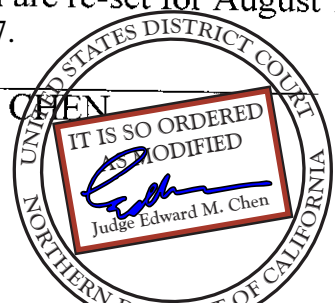
21  
22 \_\_\_\_\_/s/  
23 WILLIAM M. SIMPICH

24  
25 ORDER

26 The CMC and the hearing on the 12(b)(6) motion are re-set for August 15 at  
27 at 10:30 a.m. Reply brief due 7/11/07.

Dated:

HON. EDWARD CHEN





Bill Simpich <bsimpich@gmail.com>

## After talking to Mr. Shelton, a possible solution

Westmore, Kandis <KAWestmore@oaklandcityattorney.org>

Wed, Jun 27, 2007 at  
4:52 PM

To: "Shelton, Demetrius" <DDShelton@oaklandcityattorney.org>, Bill Simpich <bsimpich@gmail.com>

Oh yeah the 15th.

Kandis Westmore

-----Original Message-----

From: Shelton, Demetrius

Sent: Wednesday, June 27, 2007 04:36 PM Pacific Standard Time

To: Westmore, Kandis; 'Bill Simpich'

Subject: RE: After talking to Mr. Shelton, a possible solution

Do you mean on August 15th? That is the date Bill referred to in his letter and the date of my conflict.

Demetrius D. Shelton  
Deputy City Attorney  
Office of the City Attorney  
1 Frank Ogawa Plaza, 6th Floor  
Oakland, California 94612  
Tel: (510) 238-3493  
Fax: (510) 238-6500

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-----Original Message-----

From: Westmore, Kandis

Sent: Wednesday, June 27, 2007 4:35 PM

To: 'Bill Simpich'

Cc: Shelton, Demetrius

Subject: RE: After talking to Mr. Shelton, a possible solution

I won't be able to do the reply by the 9th because I will be back on Friday the 6th and I have another motion to argue in district court on the 9th.

How about I agree to appear for Demetrius at the cmc on July 25th?

Exhibit 1

**William M. Simpich**  
**Attorney at Law**  
**1736 Franklin Street, 10<sup>th</sup> Floor**  
**Oakland, California 94612**  
**Telephone: (510) 444-0226**

June 27, 2007

Hon. Edward Chen  
Northern District of California  
450 Golden Gate Avenue  
15<sup>th</sup> Floor, Courtroom C  
San Francisco, CA 94104

Re: *Mayfield v. City of Oakland*, action number C-07-0583-EMC

Dear Judge Chen,

I am the counsel for the Plaintiffs in this action. Both the Motion for Dismiss and the Case Management Conference is scheduled for July 11. I mis-calendared the motion, thinking that July 18 was the due date. I will be filing my opposition today.


Ms. Westmore for the City has already agreed to stipulate to a new hearing date that would allow her enough time to prepare a Reply Brief. The other parties have joined in her motion, and I am in the process of asking them to agree to a new date as well.

The parties are also a little late in agreeing on the ADR process (a non-compliance notice was issued today), and I will take the laboring oar to assure that gets done.

I will be out of town and not available between July 21-August 8. As the court hearings are set for Wednesdays, I am preparing a proposed stipulation and order for the court for permission to re-set both the hearing date and the case management conference date for August 15.

Thank you very much for your consideration.

Sincerely,



William M. Simpich

cc: All opposing parties

Exhibit 1 -